

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

RAJ CHRISTOPHER GUPTA, )  
 ) 2:00-cv-1095-GEB-GGH-P  
Plaintiff, )  
 ) TRANSMISSION TO PARTIES  
v. ) OF TRIAL DOCUMENTS  
 )  
C.A. TERHUNE, et al., )  
 )  
Defendants. )  
\_\_\_\_\_ )

The jury trial in this case commences at 1:30 p.m. on May 9, 2006. Appended to this Order are tentative jury instructions,<sup>1</sup> voir

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<sup>1</sup> Since Defendants stipulated at the Trial Confirmation Hearing held on March 31, 2006, that they acted under color of state law, that element has been omitted from closing instruction number 6. Additionally, because Defendants acknowledge in their motions in limine that the only "remaining issue for trial is whether Defendants were deliberately indifferent to Plaintiff's need for exercise when Defendants maintained a lockdown of Plaintiff and the Southern Hispanic inmates from January 2000 to October 2000[,]" the objective element of Plaintiff's claim is found satisfied. See Lopez v. Smith, 203 F.3d 1122 (9th Cir. 2000) (denial of outdoor exercise to prisoner for six-and-one-half weeks meets the Eighth Amendment's objective requirement of "depriv[ing] an inmate of the minimal civilized measure of life's necessities") (internal quotation omitted).

1 | dire,<sup>2</sup> and verdict forms.

2 | Dated: May 3, 2006

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4 | /s/ Garland E. Burrell, Jr.  
5 | GARLAND E. BURRELL, JR.  
6 | United States District Judge  
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27 | <sup>2</sup> The attached voir dire reflects that Plaintiff's objection  
28 | to question number seven as it appeared in the Supplement to  
Pretrial Order filed April 3, 2006, has been sustained.